



DEPARTMENT OF THE NAVY
NAVAL FACILITIES ENGINEERING COMMAND
BASE REALIGNMENT AND CLOSURE
PROGRAM MANAGEMENT OFFICE WEST
33000 NIXIE WAY, BLDG 50 Suite 207
SAN DIEGO, CA 92147

5000-110
Ser BPMOW.hmw/327
October 28, 2020

Mr. Jason Fagone
San Francisco Chronicle
901 Mission Street
San Francisco, CA 94103

Dear Mr. Fagone:

This letter responds to your Freedom of Information Act (FOIA) request of November 19, 2018 in which you seek the following:

Copies of all Navy records related to a proposed San Francisco 49ers football stadium that would have been located at the former Hunters Point Naval Shipyard. At the request of the City and County of San Francisco, the Navy once explored a possible football stadium to be built on "Parcel G" or "Parcel 49" of the shipyard. This request includes, but is not limited to, electronic or written communications, emails, memos, letters, PowerPoints, and other reports and documents between the date January 1, 2005 and March 1, 2012.

Your request was received by this office on November 19, 2018 and assigned file number DON-NAVY-2019-001425. On December 19, 2018, our office indicated that we would provide a response date by March 15, 2019. On March 15, 2019, we stated that documents would be provided in phases with the initial response no later than May 15, 2019. The first responsive set of records was released on May 15, 2019. The second set was released on September 16, 2019. The third set was dated October 21, 2019. The fourth set was dated April 28, 2020. The fifth set was dated July 28, 2020. Today's interim release provides the sixth phase of documents. Additional records will be released to you in phases as documents are determined to be responsive to your request.

Today's interim release includes 43 records that have been identified as responsive. Review of the responsive records reveals that some are wholly and some are partially exempt from disclosure under FOIA Exemption 5 [5 U.S.C. § 552 (b)(5)] which exempts from disclosure records that reflect the Navy's internal deliberations, the release of which could be harmful by discouraging the free and frank exchange of opinions or potentially result in public confusion by disclosing information that is not consistent with the outcome of the deliberative process. Of the 43 records included in this interim release, 15 records are withheld in full under FOIA Exemption 5. Ten records are partially exempt from disclosure under FOIA Exemption 5; the instances of exempt information have been redacted. Ten records contain information originating with the US Environmental Protection Agency and have been referred to that agency for their review and potential release to you. The eight remaining records are released to you in full.

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Please be advised that fees associated with the processing of your request are waived in this instance.

You have the right to an appeal. It must be received (i.e., post-marked if by mail or submitted if by FOIAonline) within 90 calendar days from the date of this letter. Please provide the following in your appeal:

- a letter requesting an appeal that explains what you are appealing with any supporting arguments or reasons you think may be worthy of consideration;
- a copy of your initial request;
- a copy of the letter of denial.

There are two ways to file an appeal—through FOIAonline or by mail.

1. Through FOIAonline. This will work only if you set up an account on FOIAonline before you make the request that you would like to appeal. To set up an account, go to FOIAonline.gov, click “Create Account” (a link located within the blue banner at the top in the upper right corner), enter your data into the field that subsequently appears, and click “Save” (at the bottom left of the screen). With your account thereby created, you will be able to file an appeal on FOIAonline for any request you file on FOIAonline thereafter. To do so, locate your request (enter a keyword or the request tracking number in the “Search for” field on the “Search” tab), click on it, then the "Create Appeal" tab in the left-hand column. Complete the subsequent field, click “Save,” and FOIAonline will submit your appeal.

2. By mail. Address your appeal to:

Department of the Navy
Office of the General Counsel
1000 Navy Pentagon, Room 5A532
Washington, DC 20350-1000

Whichever method is used to file your appeal, please also provide a copy to us at heather.wochnick@navy.mil, or:

BRAC PMO West
33000 Nixie Way
Bldg 50 Suite 207
Attn: Heather Wochnick
San Diego, CA 92147

Please note that as a result of increases in the Health Protection Condition (HPCON) level, the BRAC PMO offices are limited to mission-essential personnel only and are maximizing the

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use of telework for other personnel. You are strongly encouraged to submit a copy of your appeal to BRAC PMO via email to ensure we receive timely notification that you have filed an appeal in accordance with the instructions above.

Please direct any questions concerning this matter to Ms. Heather Wochnick, who may be contacted at heather.wochnick@navy.mil or (619) 524-4605. You may also contact the DON FOIA Public Liaison, Christopher Julka, at christopher.a.julka@navy.mil, (703) 697-0031. In addition, the Office of Government Information Services (OGIS) provides a voluntary mediation process for resolving disputes between persons making FOIA requests and the Department of the Navy (DON). For more information, go to <https://www.archives.gov/ogis/about-ogis/contact-information>.

Sincerely,

KIMBERLY A. OSTROWSKI
Director